Hovsepian v. Apple, Inc.   Doc. 321

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

IT IS SO ORDERED AS MODIFIED

Judge James Ware

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

In Re ACACIA MEDIA TECHNOLOGIES CORPORATION	CV 05-01114 JW **[PROPOSED] SCHEDULING ORDER FOR SUMMARY JUDGMENT BRIEFING** Judge: Honorable James Ware

Upon consideration of the parties' separate submission, the Court finds good cause to give all parties a slight extension in light of the upcoming holiday schedule. Accordingly,

IT IS HEREBY ORDERED that the schedule for the parties to file the remaining briefs in connection with Defendants' §112 motions is as follows:

Plaintiff's Responsive Brief : **December 15, 2008**

Defendants' Reply Briefs : **April 3, 2009**

Upon completion of the briefs, the moving party shall compile a three ring binder containing (1) the motion and any supporting memorandum of law; (2) the opposition memorandum; (3) any reply memorandum; and (4) any exhibits in support or opposition to the motion, which shall be clearly labeled. At the beginning of each binder the moving party shall include, as appropriate, a Chart A or B, in the format described below; each statement shall be supported by appropriate citations to the motion papers and or exhibits. Examples of Charts are as follows:

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Chart A - Summary of Infringement Issues

Patent Claim/Elements	Stipulated Construction/Court Construction	Accused Product	Defense Asserted
'000 Patent, Claim 1			
an apparatus comprising	apparatus means: "a device which. . ."	Riverside Model 2	
1. a handle	"handle" means a part held by the human hand	Riverside Model 2	the product lacks a handle

Chart B - Summary of Invalidity Issues

Title of Motion	Patent	Claim No.	Basis of challenge	Summary of argument in support of motion	Summary of argument in opposition to motion	Comments
Partial Motion for Summary Judgment of Invalidity	'000	Claim 3	Lack of Disclosure of Best Mode	The specification states that the inventor was aware [See '000 Patent, Col 3:5-10]	The reference is to a different invention.	This matter is controlled by the Court's claim construction of the following terms:

These binders are not substitutes for filing the motions and related papers via ECF.

Two copies of the binders, marked, "Chambers' Copies," shall be delivered to the Court (by way of the Clerk's Office) on or before **April 10, 2009 by 3 p.m.** Upon review, the Court will set as many hearings as necessary to adjudicate Defendants' motions.

Dated: November 13, 2008

JAMES WARE
United States District Judge

United States District Court
For the Northern District of California